

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUAN MORALES-BRIONES,

Plaintiff,

v.

**No. 12-CV-0420 JEC/SMV
10-CR-3303 JEC**

UNITED STATES OF AMERICA,

Defendant.

**ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS
AND DIRECTING THE UNITED STATES TO ANSWER**

THIS MATTER is before the Court on Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] and his Application to Proceed in District Court Without Prepaying Fees or Costs [CV Doc. 2; CR Doc. 32] ("Motion to Proceed In Forma Pauperis"). It appearing from the record that Plaintiff has previously been found indigent [CR Doc. 5], and the Court being fully advised in the premises,

IT IS THEREFORE ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis [CV Doc. 2; CR Doc. 32] is **DENIED** as moot and that Plaintiff be considered to be proceeding in forma pauperis;

IT IS FURTHER ORDERED that the Clerk is directed to forward to the United States of America a copy of Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] and supporting papers and exhibits, if any, together with a copy of this order; and

IT IS FURTHER ORDERED that the United States of America respond to Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] no later than **Friday, May 18, 2012**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge